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4		E-FILED on <u>11/13/06</u>
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8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
10	SAN JOSE DIVISION	
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12	YOLANDA SOLLOWAY,	No. C-06-04814 RMW
13	Plaintiff,	ORDER AWARDING FEES UNDER 28 U.S.C. § 1447(c)
14	v.	[Re Docket Nos. 19-22]
15	ALLIED INTERSTATE, INC.,	[Re Docket 105, 15 22]
16	Defendant.	
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Plaintiff Yolanda Solloway filed a putative class action against Allied Interstate, Inc. in the California Superior Court. Allied removed the action to this court. In a brief October 25, 2006 order, this court remanded the action because it was clear the amount in controversy did not meet the minimum required by 28 U.S.C. § 1332(d)(2).

In that order, the court also found that plaintiff was entitled to fees and costs under 28 U.S.C. § 1447(c) and stated that plaintiff could submit a declaration regarding fees and costs by October 27, 2006, with any response by Allied due November 3, 2006. On October 27, 2006, Solloway filed a request for \$3,500. Wilcox Decl. (docket no. 20) ¶ 44. At 5:22 p.m. on November 2, 2006, Allied sent an e-mail to Solloway's attorney, offering \$3,000 in an attempt to not further burden this court with the fee dispute. Notice (docket no. 22). Receiving no response,

ORDER AWARDING FEES UNDER 28 U.S.C. $\$ 1447(c)—No. C-06-04814 RMW JAH

Allied filed an opposition to Solloway's request and argued that \$1,500 would be a reasonable fee award. Opp'n (docket no. 21). On November 7, 2006, Solloway's attorney filed a purported acceptance of Allied's offer of \$3,000 and stated that he had been traveling and unable to respond earlier. Notice (docket no. 22).

Although the offer appears to have expired because it was not accepted before Allied's response to plaintiff's fee request was due, the court finds \$3,000 is a reasonable fee for plaintiff's work on the motion to remand. The court finds ten hours of time at \$300 per hour consistent with the reasonable time incurred in connection with the matter and \$300 per hour consistent with that charged in the community for similar service.

ORDER

For the foregoing reasons, the court awards Solloway \$3,000 under 28 U.S.C. § 1447(c).

DATED: 11/13/06 United States District Judge

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1	Notice of this document has been electronically sent to:		
2	Counsel for Plaintiff:		
3	Ronald Wilcox ronaldwilcox@post.harvard.edu		
4	Counsel for Defendant:		
5	Forrest Arthur Hainline fhainline@goodwinprocter.com		
6	Counsel are responsible for distributing copies of this document to co-counsel that have not		
7	Counsel are responsible for distributing copies of this document to co-counsel that have not registered for e-filing under the court's CM/ECF program.		
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10	Dated: 11/13/06 /s/ JH Chambers of Judge Whyte		
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	ORDER AWARDING FEES UNDER 28 U.S.C. § 1447(c)—No. C-06-04814 RMW JAH		